KADUNA STATE CRIMINAL JUSTICE SERVICE CHARTER

By the Chief Judge and Chairman of the Administration of Criminal Justice Monitoring Committee (ACJMC),

Honorable Justice, M.T.M Aliyu.

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KADUNA STATE JOINT CRIMINAL JUSTICE INSTITUTIONS SERVICE CHARTER

Explanatory Note:

This Charter shall serve as guide to other investigating, prosecuting agencies and State institutions in Kaduna State criminal justice system not expressly mentioned herein regarding their service standards and resolution of grievances/complaints from the public.

1. BACKGROUND

   Access to justice is a fundamental pillar of the criminal justice system. There are statutory rights of suspects and victims, timelines, roles, processes and procedures which are clearly established to ensure an effective, efficient and fair criminal justice administration. The Constitution of the Federal Republic of Nigeria 1999 (As Amended)\(^1\) laid out these statutory rights, which have further been enunciated by the Kaduna State Administration of Criminal Justice Law, 2017\(^2\).

   Under the Constitution, the rights of a suspect are provided as follows:
   a. Right to life – Section 33;
   b. Right to dignity of human person – Section 34;
   c. Right to personal liberty – Section 35;
   d. Right to fair hearing – Section 36;
   e. Restriction on and derogation from fundamental rights – Section 45; and
   f. Enforcement of fundamental rights – section 46

   The Constitution also established key structures for the administration of criminal justice such as:
   a. Judicial Powers – Section 6; Chapter VII, Part III, Sections 270 – 284;
   b. Office of the Attorney-General of a State, who shall also be the Chief Law Officer – Section 195;
   c. The Nigeria Police Force – Section 214;
   d. The Correctional Services – Paragraph 10, Part II, Second Schedule; and
   e. Any other institution established pursuant to Section 4.

   In Kaduna State, criminal justice administration is guided basically by substantive laws including the Kaduna State Penal Code Law, 2017 (As Amended), Acts of the National Assembly prohibiting certain actions and other statutes of Kaduna State that codify crimes and procedural laws such as the ACJL. The ACJL particularly highlights and elaborates the constitutional provisions on fundamental human and civil rights, and is the instrument which specifies and enunciates the processes, procedures, timelines and roles for enhanced access to criminal justice, effective, efficient, equitable and fair dispensation of criminal justice.

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\(^1\) The Constitution
\(^2\) The ACJL
Therefore, this Joint Criminal Justice Institutions Service Charter is made pursuant to the Constitution and the ACJL.

2. SCOPE OF APPLICATION
   a. The Charter shall apply to the Kaduna State Judiciary, Ministry of Justice, Nigeria Police Force Kaduna State Command, the Nigeria Correctional Services Kaduna State Command and any Correctional Services Institution established by the Kaduna State Government pursuant to the enlistment of Correctional Service under concurrent legislative list of the Constitution;
   b. The Charter shall serve as a standard of service for other statutory agencies and law enforcement institutions with investigative and prosecutorial powers not signed on herein; and
   c. The Charter shall not apply to the service standards of Judicial Officers presiding over state courts established under Section 6(5) of the Constitution

3. VISION, MISSION AND SUBSCRIPTION TO THIS CHARTER
   a. Vision
      To provide Kaduna State with standards for the administration of criminal justice which guarantees respect for the fundamental rights of suspects/victims, rule of law and access to justice for all.

   b. Mission
      To develop a responsive, efficient, effective and sustainable criminal justice system that yields and complies with the provisions of criminal justice statutory instruments (Constitution, ACJL and other statutes), as well as responds to citizens grievances arising there from.

   c. Commitment
      AWARE that the gaps and challenges in the state’s criminal justice system erodes public confidence in its administrative institutions;

      APPRECIATING the impact of these gaps, especially service delivery concerns and how it impedes on citizens statutory fundamental human rights and access to justice;

      AFFIRMING that availing the public a means of grievance ventilation and resolution will strengthen service expectations, deliveries, benchmark the outputs of our institutions, and restore confidence in the criminal justice system;

      UNDERSTANDING that there is a need to re-affirm our institutions’ commitments to an improved criminal justice system and administration in Kaduna State through enhanced service delivery and synergy; and
**RESOLUTE** in improving our institutions’ service standards in the face of daunting challenges and circumstantial structural issues including funding constraints whilst acknowledging and leveraging on existing legally established oversight mechanisms.

**WE,** the representatives of the undersigned criminal justice state institutions in Kaduna State do hereby voluntarily subscribe to this Charter.

4. **ROLES OF THE STATE INSTITUTIONS**
   
a. **The Kaduna State Judiciary:** The judicial powers of the state are vested in the superior courts of record established under Section 6(5) of the Constitution and includes the Kaduna State High Court, Kaduna State Sharia Court of Appeal, Kaduna State Customary Court of Appeal and other courts established by the Kaduna State House of Assembly pursuant to Section 6(4)(a) of the Constitution which includes all the classes and grades of courts listed under Section 8 (b) – (j) of the ACIL. The powers of the judiciary amongst others include:
   - to adjudicate on all issues within the inherent powers and sanctions of specific courts – Section 6(6)(a) of the Constitution;
   - specific jurisdiction of the Kaduna State High Court to determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person – Section 272 of the Constitution; and
   - the powers conferred upon other criminal courts in Kaduna State – Part II, Sections 8 – 23 ACIL.

b. **Kaduna State Ministry of Justice:** The roles of the Attorney-General in criminal justice administration exercised through the ministry, especially the Department of Public Prosecution as provided under Section 211 of the CFRN and Part XI (Sections 117 – 119) of the ACIL include:
   - to institute and undertake criminal proceedings against any person before any court of law in Nigeria other than a court martial in respect of any offence created by or under any law of the House of Assembly;
   - to take over and continue any such criminal proceedings that may have been instituted by any other authority or person;
   - to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other authority or person;
   - issuance of legal advice or such other directive to the Police or any other Law enforcement agency in respect of an offence created by a Law of the State House of Assembly; and
   - Request from the Police or any other agency for the case file in any matter, and such shall be sent to the ministry by the relevant agency.
c. **The Nigeria Police Force Kaduna State Command**: Their roles are provided in the Nigeria Police Act 2020 as follows:

- prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, African Charter on Human and Peoples Rights and any other law – Section 4(a);
- responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the Constitution – Section 5(1);
- maintain working relationships and collaborate with government institutions and private initiatives in offering legal services to accused persons and detainees in police custody in need of legal service and ensure they have access to justice – Section 5(2);
- investigate reported allegations of crime in accordance with due process and report findings to the Attorney-General of Kaduna State for legal advice – Section 31
- to arrest, investigate, try or deal with a suspect in accordance with the Act – Section 32;
- accord all suspects humane treatment in reverence to the dignity of the human person and not subject them to any form of cruel, torture, inhumane, or degrading treatment – Section 37;
- alongside other heads of arresting agencies, remit quarterly reports of all arrests made in relation state offences with Kaduna State to the Attorney-General of Kaduna State – Section 47(2);
- subject to the powers of the Attorney-General of Kaduna State, a police officer, who is a legal practitioner may prosecute in his name before any court in the state – Section 66;
- maintenance of a Criminal Records Registry - Section 67(2);
- on the last working day of every month, report to the nearest magistrate all cases of suspects arrested without warrant within the limits of their respective stations – Section 69(1)
- documentation of arrests, witnesses and death in police stations – Section 89(1) etc.

d. **The roles of the Nigerian Correctional Services Kaduna State Command** as stated in the Nigeria Correctional Services Act 2019 include:

- ensuring compliance with international human rights standards and good correctional practices – Section 2(1)(a);
- enhancing the focus on corrections and promotion of reformation, rehabilitation and reintegration of offenders – Section 2(1)(c);
- establishing institutional, systemic and sustainable mechanisms to address the high number of persons awaiting trial – Sections 2(1)(d) & 4(2); and
• ensuring that every building declared as custodial centre, sleeping accommodation shall meet all requirements of health with consideration given to adequate floor space, water and sanitation amenities, lightening and ventilation – Section 9;
• The functions of the custodial services – Section 10:
  i. taking custody of all persons legally interned;
  ii. providing safe, secure and humane custody for inmates;
  iii. conveying remand persons to and from courts in motorized formations;
  iv. conducting risk and needs assessment aimed at developing appropriate correctional treatment methods for reformation, rehabilitation and reintegration;
  v. administering borstal and related institutions; and
  vi. providing support to facilitate the speedy disposal of cases of persons awaiting trials amongst others.
• the Correctional Services shall not admit anyone with a severe bodily injury, mentally unstable or unconscious state of mind, or underage – Section 13(3)
• take steps to prevent torture, inhumane and degrading treatments, prevention of sexual and non-sexual violence and bullying – Section 14(8);
• not hold any inmate in slavery or servitude – Section 15(1);
• support the efficient management of the criminal justice management system including liaising with heads of institutions and relevant agencies, provision of necessary information and data to relevant institutions amongst others – Section 18; and
• administration of non-custodial services – Section 37;
• provision of platforms for restorative justice measures and
• other roles under the Act.

e. The Administration of Criminal Justice Monitoring Committee: Sections 466 – 473, Part XLVI, ACJL 2017. The roles of the Committee amongst others include to ensure:
• effective and efficient application of the ACJL 2017 by the relevant agencies;
• criminal matters are speedily dealt with;
• congestion of criminal cases in Courts is drastically reduced;
• congestion in the Correctional Services is reduced to the barest minimum;
• persons awaiting trial are, as far as possible, not detained in prison custody;
• the relationship between the organs charged with the responsibility for all aspects of the administration of justice is cordial and there exists maximum
co-operation amongst the organs in the administration of justice in the State;
- the collation, analysis and publication of information in relation to the administration of criminal justice sector in the State;
- the submission of quarterly reports to the Governor of Kaduna State to keep him abreast of developments towards improved criminal justice delivery; and
- such other activities as are necessary for the effective and efficient administration of criminal justice.

5. SERVICE STANDARDS IN THE KADUNA STATE’S ADMINISTRATION OF CRIMINAL JUSTICE SYSTEM

The State criminal justice institutions stated herein do hereby undertake and commit to:

a. **Transparency**: to be transparent and open in all our activities and implementation of our mandates towards timely criminal justice delivery, addressing issues of overdue lists and ensuring access to justice for all.

b. **Courtesy**: to be courteous and decorous in the discharge of our duties in order to imbue the trust and confidence of the masses in state criminal justice institutions.

c. **Compliance**: notwithstanding circumstantial operational constraints, strive to comply with our mandates towards attaining the objectives of our enabling statutes and policies.

d. **Access to Information**: proactively share all service standard information and data on our websites and upon request avail any concerned citizen certified hard copies subject to minor administrative costs.

e. **Consultations and Collaborations**: engage and partner with all state and non-state criminal justice stakeholders, and actively participate in the activities of the Kaduna State Administration of Criminal Justice Monitoring Committee in order to strengthen access to justice, as well as effective and efficient administration of criminal justice in Kaduna State.

f. **Complaints and Grievances Resolution**: promptly respond to issues or petitions raised by any citizen or aggrieved suspect/stakeholder regarding efficiency, effectiveness and generally standards of our service with a view to resolving them, and strengthening institutional gaps where necessary.

g. **Integrity and Honesty**: to be honest and ensure that our personnel do not request any payments, gifts or gratifications in return for the discharge of our mandates and activities, and it is a crime for any person to offer or induce our personnel to compromise on our service standards.

h. **Confidentiality**: to maintain confidential information supportive of the criminal justice processes and procedures, investigate any information or communication regarding
attempts or indeed subversions of our operational service standards discretely but expeditiously, and with utmost confidentiality if necessary.

i. Equal and Fair Treatment: ensure that all information, communication, requests, petitions and persons are treated fairly.

j. Ethical Standards: ensure that all our personnel strictly comply with the ethical standards of our institutions and codes of their professional bodies.

6. RIGHTS OF PERSONS REGARDING THE KADUNA STATE CRIMINAL JUSTICE SYSTEM

a. Every person has a right to his constitutionally guaranteed fundamental human rights as provided under Chapter 4 the Constitution;

b. Every suspect, defendant and victim is entitled to his rights under the Constitution, the Nigeria Police Act, the Nigeria Correctional Services Act, the ACJL 2017 and its subsidiary instruments;

c. Every person shall be entitled to prompt, efficient and effective services from all state criminal justice administration institutions in accordance with the relevant statute books and within timelines stated therein;

d. Every person shall be entitled to ventilate his grievances against any of the state institutions involved with criminal justice administration regarding a deficit, delay or sub-standard-service impeding on access to justice and impugning on any of the rights stated in any statute;

e. Upon lodging grievances and complaints, every complainant shall be entitled to response from the relevant government institution, and if not satisfied, shall lodge an appeal to the secretariat of the Administration of Criminal Justice Committee; and

f. Every person shall be entitled to access regarding the statutory reports, public documents and periodic briefings on the state of access to justice and criminal justice administration in Kaduna state from the websites of the Institutions and the ACJMC.

7. COMPLAINT AND GRIEVANCE MECHANISM

a. All members of the public, suspects or suspects representatives, defendants and victims shall be civil in the expression of their grievances, and shall not under any circumstance verbally abuse or physically assault the personnel of any of the subscribing institutions.

b. All petitions arising from grievances against any service delivery deficit shall contain at least the following:

- Name and address of petitioner;
- Date and period during which the issues necessitating the petition occurred, indicating if it is an ongoing or continuous occurrence/incident;
- A narrative of the specific incident or series of incidents that necessitated the petition;
- The impact or adverse effect of such occurrences on the rights of interested parties, and any losses/damages if any;
• State whether there have been any prior verbal complaints to the relevant institution and how it was handled;
• Recommendations on how to strengthen the relevant institution against which the petition is made, and by extension, the criminal justice administration in the State if any;
• An affirmation that the facts stated therein are to the knowledge of the petitioner true, factual and not hear say; and
• Duly signed off by the petitioner in person or his legal representative.

c. Petitions should be submitted not less than 10 days from the date of occurrence of the incident or notice taken of the incident or series of incidents triggering the petition.
d. Petitions could be submitted online or physically to the following addresses:

• The Judiciary
  The Chief Registrar
  Kaduna State Judiciary
  Muhammed Bello Uwais Complex (High Court Complex
  Kaduna State
  **Online submission:**

• Ministry of Justice:
  The Honourable Attorney-General/Commissioner for Justice
  Dalhat Maccido Secretariat (State Secretariat)
  Kaduna.
  **Online submission:**

• Nigeria Police Force:
  The Commissioner for Police
  Kaduna State Command
  Kaduna
  **Online submission:**

• Nigerian Correctional Service:
  The Controller, Nigerian Correctional Service
  Kaduna State Command
  Kaduna
  **Online submission:**


e. All petitions shall be duly acknowledged by a designated official, whereas online notifications shall automatically generate receipts upon submission.
f. The respective institutions shall respond to the petitions within 15 working days from the date of receipt, and may in the course of attending to the petition, invite the petitioner for further clarifications.

g. Within the period of handling the petition, the institution may intervene and take necessary actions to abate the incident or series of incidents which necessitated the petition if ongoing, and if it impedes on the fundamental rights of persons and/or negates access to justice.

h. If within 15 working days, the petitioner does not get a response or feedback from the relevant institution without any justification, or is not satisfied with the response, he shall appeal the response to the Administration of Criminal Justice Monitoring Committee for consideration.

i. An appeal could be submitted physically or online to:
   - The Secretary,
     Kaduna State ACJMC
     Ministry of Justice
     State Secretariat
     Kaduna
     Online submission:

j. The Committee shall respond to the appeal within 20 working days of receipt, and may invite the petitioner and representatives of the petitioned institutions for clarifications prior to reaching any decision.

k. Decisions arrived at by the Committee shall be promptly communicated to the petitioner and the petitioned institutions.

l. Petitioners may however petition directly to the Committee if the subject matter of the petition or causative factors are such that are not peculiar or resident in one institution but cuts across the various state institutions involved in the state’s criminal justice administration.

8. PUBLICITY OF SERVICE CHARTER
   a. All citizens should be aware of the provisions of relevant statutes guiding the administration of criminal justice in Kaduna state, relevant updates on the activities of the state institutions and stakeholders, and interrogate as necessary these activities.

b. Flowing from the above, this Charter notifying persons and individuals of their rights should be proactively and conspicuously uploaded on the websites of all the institutions for public access, and be conspicuously displayed at very visible and public places within the vicinity of all their offices, commands, divisions within the state e.g. the notice boards, front offices, receptions of the Heads and principal officers of these institutions.
c. This Charter shall also be conspicuously displayed in very strategic and public areas of all the state courts listed under Section 8 of the ACJL, located in various locations within the state.

d. The undersigned institutions shall collaborate with the ACJMC, other state partners such as the Ministry of Information, State Orientation Agency, media outlets etc., and non-state actors such as development partners and civil society interest groups to publicize and educate the public on their rights regarding the service standards and expectations from the state institutions involved in the administration of criminal justice.

e. Administration and access to justice enhancement suggestion boxes should be strategically positioned in all the state institutions involved in its administration wherein members of the public shall submit their suggestions and feedback on how to improve the service standards of all state institutions, which shall be collated and submitted to the secretariat of the ACJMC for documentation and analysis.

Dated this 5th day of MARCH, 2024

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Hon. Attorney-General and Commissioner for Justice
Kaduna State

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The Chief Registrar, Kaduna State High Court

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Commissioner of Police
Kaduna State Police Command

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Comptroller of Nigerian Correctional Services
Kaduna State Command